

Remarks

After entry of this Amendment, claims 16-18 remain pending in the application. Claims 2-4 and 9-14 are currently cancelled and claims 1, 5-8, and 15 were previously cancelled. Claims 16-18 remain unchanged. No new matter has been introduced.

Claims 2-4 and 9-14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claims 2-4, 9-12, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stoyoff et al. (U.S. Publication No. 2003/0075307) in view of Sugimoto et al. (U.S. Patent No. 6,408,939). Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Stoyoff et al. and Sugimoto and in further view of Nozaki et al. (U.S. Publication No. 2002/0125000).

Claims 16-18 are allowed. Applicant thanks the Examiner for the allowance of these claims. In accordance with this allowance, claims 2-4 and 9-14 are currently cancelled. As such, only claims 16-18 remain pending in the application and as indicated above, are allowed. Therefore, Applicant believes the application is now in condition for allowance, which allowance is respectfully solicited.

Applicant notes the procedures regarding an amendment filed under §116, which state that an amendment after final rejection may be made canceling claims or complying with any requirement of form. Also, an amendment placing the application in condition for allowance, by for example accepting allowed claims, may be admitted. As stated at MPEP §714.13, the proposed amendment should be given sufficient consideration to determine whether the claims are in condition for allowance.

It is respectfully requested that this §116 amendment be admitted because the Applicant is merely canceling all of the rejected claims and accepting the allowed claims. There are no new issues being presented. To that end, as mentioned above, it is respectfully submitted that the application is now presented in condition for allowance, which allowance is respectfully solicited.

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Applicant believes that no additional fees are required. In any event, however, the Commissioner is authorized to charge our Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys PLLC for any additional fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS PLLC

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